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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/439,516	11/12/1999	TOM LEE SORENSEN	DF-7145	1737

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ZENITH ELECTRONICS CORPORATION  
2000 MILLBROOK DRIVE  
LINCOLNSHIRE, IL 60069

<input checked="" type="checkbox"/>	EXAMINER
	TRAN, KHAI

ART UNIT	PAPER NUMBER
2631	

DATE MAILED: 01/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/439,516	SORENSEN, TOM LEE
	Examiner Khai Tran	Art Unit 2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 12 November 1999.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-37 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

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## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 26, and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Lopresti et al (U.S. Pat. 5,889,506).

Regarding claim 1, Lopresti et al disclose a data retrieval system for retrieving data from a digital broadcast signal, wherein the digital broadcast signal includes at least one television programming packet and at least one data packet that contains the data, the system comprising: a digital receiver adapted to receive the digital broadcast signal and adapted to separate the data from the digital broadcast signal (col. 4, lines 9-

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20); and a portable data storage device in communication with the digital receiver adapted to receive the data from the digital receiver and further adapted to store the data (See Fig. 5, col. 6, lines 18-52).

Claims 26 and 32 are similar to claim 1. Therefore, claims 26 and 32 are rejected under a similar rationale.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-25, 27-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lopresti (U.S. Pat. 5,889,506).

Regarding claim 2, Lopresti et al fail to disclose the digital receiver comprising: a tuner, a demodulator, a controller, and a transceiver. However, these elements are well known in the digital receiver for processing a received signal. It would have been obvious to one having ordinary skill in the art at the time the invention was made to process the received signal such as the broadcast signal or data in the receiver of the Lopresti et al by using the elements as a tuner, a demodulator, a controller, and a

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transceiver. The motivation would decode the received signal and generate a desired signal.

Regarding claim 3, Lopresti et al disclose the portable data storage device (see Figure 5).

Regarding claim 4, Lopresti et al disclose a data request signal from the portable device (a comment signal, col. 5, line 38-64).

Regarding claim 5, although, Lopresti et al fail to disclose a sound generating circuit for generating a tone when the data has been stored. However, Lopresti et al disclose the portable data storage comprising a processor 72a and a random access memory for storing data. Therefore, in order to indicate the stored data in the portable storage device, the sound should be generated and heard by the user.

Regarding claim 6, a data communication port is inherent in the portable storage device of Lopresti et al.

Regarding claims 7-25, Lopresti et al disclose the first and second transceivers being infra-red signal transceivers or radio frequency signal transceivers or communication between the digital receiver and the portable digital device by a data transmission cable (Fig.1); the information related to the product comprising: a list of retailers that sell the product and a price of the product as well as coupon (see Fig.8, a selection of shopping).

Claims 27-31, 33-37 are similar to claims 2-25. Therefore, claims 27-31, and 33-37 are rejected under a similar rationale.

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***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. .

Park (U.S. Pat. 6,374,245) discloses a server system communicating with personal digital assistant and communication method thereof.

Shen et al (U.S. Pat. 6,401,059) disclose a method and system for using a personal digital assistant as a remote control.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
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**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**or:**

(703) 308-6743, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Khai Tran** whose telephone number is **(703) 305-1876**. The examiner can normally be reached on Monday-Thursday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Chi Pham**, can be reached on **(703) 305-4378**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is **(703) 305-4900**.

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**Khai Tran**  
**Patent Examiner**

**KT**

**January 10, 2003**